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2 lesbian couples sue over benefits

Plaintiffs say revocation by city violated rights

By **ED SEALOVER**
THE GAZETTE

Two lesbian couples sued the city of Colorado Springs on Tuesday, claiming it violated their rights of equality and religious freedom by revoking same-sex health benefits in 2003.

The couples, one of each of whom works for the city, asked the El Paso County District Court to reinstate benefits and to compensate them financially.

The lawsuit could set a precedent, said their attorney, Trish Bangert. Although state courts nationwide have split on whether governments must offer benefits to same-sex couples, no one has challenged a city for taking those benefits away, she said.

"It's important because if the government is allowed to violate the basic principles of equality, we're all in trouble," Bangert said.

City Council members voted in November 2002 to offer health insurance to same-sex partners of city employees. But after an April 2003 election ushered in six new council members, that council said at its first meeting that it would be canceling the benefits at the end of the year.

City Councilwoman Margaret Radford, who voted against the benefits both times, said she

Focus article

By **PAUL ASAY**
THE GAZETTE

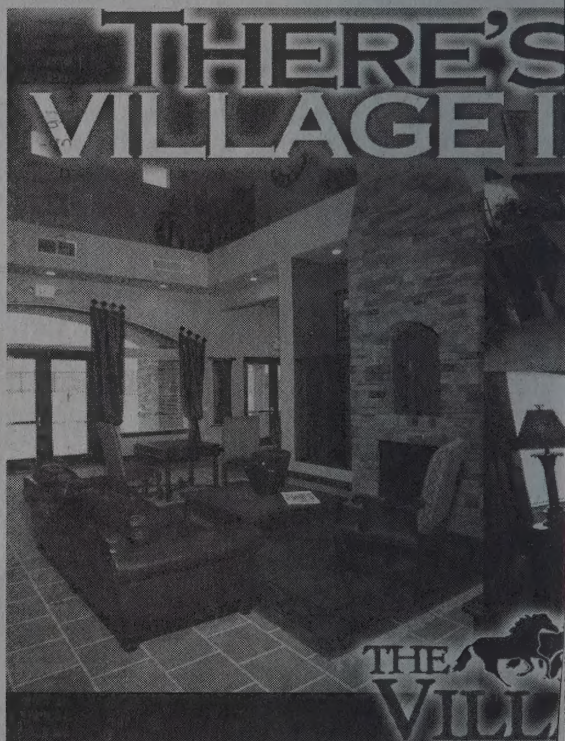
A local religious watchdog group has asked the Internal Revenue Service to investigate whether Focus on the Family unlawfully tried to sway voters in the November presidential election.

Focus officials say they've always worked within the law.

At issue is an article in the

Citizen, a month printed by Focus. The article, titled "Election: What's at stake," compares presidential candidates George W. Bush and John Kerry in terms of positions on abortion, stem-cell research and gay sex marriage.

"You're pro-life," the article says, "want to preserve the traditional definition of marriage."



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LAWSUIT: Kramer says city following council's direction

FROM PAGE 1

had not seen the lawsuit and couldn't comment.

City Manager Lorne Kramer, who first proposed the benefits, said that in canceling them, the city was following the direction of the council.

"Previous council did award the benefits. Current City Council changed the policy," Kramer said. "And they have a right to do that."

The couples, however, argue that when the city took away benefits for them that it extends to married couples, it treated them differently than other employees.

One of the plaintiffs, Barbara Henson, a Police Department dispatcher, said the city's policies first bothered her when her supervisor denied her a chance to take off work when her partner was rushed to a hospital several years ago.

Henson said her boss told her she could not take family sick leave because her partner, Kaylynn LaGamma, was not considered family. Yet when a co-worker's dog died shortly before that, that co-worker was given two days off, Henson said.

"The real message (in the lawsuit) is that our family should be treated better than a dog," Henson said.

Six couples took advantage

of the same-sex benefits, costing the city about \$6,000. After the council revoked those benefits, LaGamma got the couples together and said they needed to do something.

The only couple to join the suit was Connie Trujillo, a unit clerk at Memorial Hospital, and Susan Osorio. Osorio has benefits for herself through her job, but said she wanted to fight for equal treatment.

Bangert, who specializes in First Amendment cases, said she believes the City Council abridged religious freedom because some members said the benefits debate was a religious issue.

By doing that, they established a religion that employees had to follow, she said.

Council members considered a proposal in February 2004 to extend benefits to same-sex couples and other household members, like elderly parents or adult children. Although participants in that program would have had to pay 100 percent of the insurance costs, that proposal failed.

Bangert said the couples have not demanded a specific amount of money for compensation but added that the amount would probably be "fairly small."

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TIGERS: Group claim

FROM PAGE 1

imals, said Wayne Oxford, spokesman for Exotic Animal Adventures. He said she paid a \$300 impound fee, \$25 permit fee and then left for Texas.

Rogers said initial concerns about the animals' treatment proved unfounded. They had water, available through pressure-activated dishes.

Still, a heating unit in the trailer was not turned on, he said, and a retractable fence attached to the trailer

to keep people away was

"The only malfunction was the caretaker wasn't (turn on the heat)," Roger

Palozza had been staying next to the tigers, but leave for 24 hours Monday other Exotic Animal Adventure employee to watch them, C. The employee left for hours to go shopping and Oxford said.

He said there was no t



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